

ADLER AMENDMENT ITEM 80

Ordinance Language: provided to City Clerk—changes from ordinance in back up in **different font, bold, and shaded.**

PART 1. City Code Section 25-2-774 (*Two-Family Residential Use*) is amended to read as follows:

§ 25-2-774 TWO-FAMILY RESIDENTIAL USE.

(B) For a two-family residential use the minimum lot area is [7,000] **[5,750 square feet]**
equivalent to a standard lot.

(C) The second dwelling unit:

* * *

~~[(7)]~~**(5)** may not exceed ~~[a gross floor area of]~~:

(a) ~~[850 total square feet]~~**1,100 total square feet or** a floor-to-area ratio of 0.15, **whichever is smaller;** ~~[or]~~**and**

(b) 550 square feet on the second story, if any~~[-]~~**; and**

~~**(6) may not be used as a short term rental for more than 30 days in a calendar year if the second dwelling unit was constructed after October 1, 2015.**~~

* * *

~~[(F) Other than in a driveway, parking is prohibited in the front yard.]~~**(F) Any structure on a property that is two-family residential use:**

(1) may not be used as a Type 2 short-term rental; and

(2) may not be used as a Type 1 short-term rental for more than 30 days in a calendar year.

PART 2. City Code Section 25-2-1463 (*Secondary Apartment Regulations*) is amended to read as follows:

§ 25-2-1463 SECONDARY APARTMENT REGULATIONS.

* * *

(C) The secondary apartment:

~~[(7)]~~(5) may not exceed ~~[a gross floor area of]~~:

(a) ~~[850 total square feet]~~ **1,100 total square feet or** a floor-to-area ratio of 0.15, **whichever is smaller**; ~~[or]~~and

(b) 550 square feet on the second story, if any~~[-]~~; and

~~(6) may not be used as a short term rental for more than 30 days in a calendar year if the second dwelling unit was constructed after October 1, 2015.~~

* * *

~~[(F) Other than in a driveway, parking is prohibited in the front yard.]~~**(F) Any structure on property containing a primary structure and secondary apartment:**

(1) may not be used as a Type 2 short-term rental; and

(2) may not be used as a Type 1 short-term rental for more than 30 days in a calendar year.

~~PART 3. The “Residential Uses” portion of the Zoning Use Summary Table (Land Development Code) in City Code Section 25-2-491 (Permitted, Conditional, and Prohibited Uses) is amended to read as follows:~~

~~§ 25-2-491 PERMITTED, CONDITIONAL, AND PROHIBITED USES~~

~~Two-Family Residential is now a Permitted Use in SF-2.~~

	SF-2
Two-Family Residential	[-]P

~~PART 4. The “Site Development Table” in City Code Section 25-2-492 (Site Development Regulations) is amended to read as follows:~~

~~§ 25-2-492 SITE DEVELOPMENT REGULATIONS~~

~~The MAXIMUM DWELLING UNITS PER LOT for SF-2 is now 2.~~

	SF-2
MAXIMUM DWELLING UNITS PER LOT:	[1]2

PART 5. The “Residential Uses” portion of the table in Part 1 of City Code Chapter 25-6 Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is amended to read as follows:

CHAPTER 25-6 APPENDIX A.

PART 1 – MOTOR VEHICLES

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
<i>Residential Uses</i>		
Cottage special use Mobile home residential [Secondary apartment special use] Single-family residential Small lot single-family residential Townhouse residential [Two-family residential] Urban home special use	2 spaces for each dwelling unit	None
<u>Secondary apartment special use</u> <u>Two family residential</u>	Principal unit: 2 spaces Secondary unit: <u>If located greater than .25 miles from an activity center or activity corridor - 1 space; if located less than or equal to .25 miles from an activity center or activity corridor – 0 spaces. For purposes of this requirement, activity center and activity corridor are defined in the Imagine Austin Comprehensive Plan, as adopted</u>	<u>None</u>

	<u>by Ordinance No. 20120614-058.</u>	
Accessory apartment Condominium residential Multifamily residential	Efficiency dwelling unit: 1 space 1 bedroom dwelling unit: 1.5 spaces Dwelling unit larger than 1 bedroom: 1.5 spaces plus 0.5 space for each additional bedroom	None
Duplex residential Single-family attached residential -Standard -If larger than 4,000 sq. ft. or more than 6 bedrooms	4 spaces 4 spaces or 1 space for each bedroom, whichever is greater	None
Bed and breakfast residential	1 space plus 1 space for each rental unit	None
Group residential	1 space plus 1 space for each 2 lodgers or tenants	Schedule C
Retirement Housing	80% of the parking otherwise required by this table for the residential use classification	Schedule C

PART 6. Subsection (B) of City Code Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*) is amended to read as follows:

(B) A short-term rental use under this section may not:

- (1) include the rental of less than an entire dwelling unit, unless all of the following conditions are met:
 - (a) a partial unit must at a minimum include the exclusive use of a sleeping room and shared use of a full bathroom;
 - (b) the owner is generally present at the licensed short-term rental property for the duration of any short-term rental of a partial unit;
 - (c) not more than one partial unit at the property is simultaneously rented for any period less than 30 consecutive days; and
 - (d) rental of the partial unit is limited to a single party of individuals;
- (2) operate without a license as required by Section 25-2-791 (*License Requirements*); ~~[or]~~

- (3) operate without providing notification to renters as required by Section 25-2-792 (*Notification Requirements*); or[-]
- (4) conflict with Section 25-2-774(C)(6)(F) (*Two Family Residential Use*) and or 25-2-1463(C)(6)(F)(*Secondary Apartment Regulations*).

PART 7. Subsection (B) of City Code Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*) is amended to read as follows:

(B) A short-term rental use under this section may not:

- (1) include the rental of less than an entire dwelling unit;
- (2) operate without a license as required by Section 25-2-791 (*License Requirements*); [or]
- (3) operate without providing notification to renters as required by Section 25-2-792 (*Notification Requirements*); or[-]
- (4) conflict with Section 25-2-774(C)(6)(F) (*Two Family Residential Use*) and or 25-2-1463(C)(6)(F)(*Secondary Apartment Regulations*).

PART 8. ~~Subsection (C) of City Code Section 25-2-791 (*License Requirements*) is amended to read as follows:~~

~~(C) The director shall issue a license under this section if:~~

- ~~(1) the application includes all information required under Subsection (B) of this section;~~
- ~~(2) the proposed short term rental use complies with the requirements of Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*), Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), or Section 25-2-790 (*Short-Term Rental (Type 3) Regulations*);~~
- ~~(3) for a short term rental use regulated under Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), no more than 3% of the single family, detached residential units within the census tract of the property are short term rental (including Type 2 and Type 1 second dwelling unit or secondary apartment) uses as determined by the Director under Section 25-2-793 (*Determination of Short Term Rental Density*); and~~

~~(a) the structure has a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (Certificates of Compliance and Occupancy); or~~

~~(b) the structure has been determined by the building official, not to pose a hazard to life, health, or public safety, based on a minimum life safety inspection;~~

~~(4) for a short-term rental use regulated under Section 25-2-790 (Short-Term Rental (Type 3) Regulations), located in a non-commercial zoning district, no more than 3% of the total number of dwelling units at the property and no more than 3% of the total number of dwelling units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (Determination of Short-Term Rental Density); and~~

~~(a) the structure and the dwelling unit at issue have a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (Certificates of Compliance and Occupancy); or~~

~~(b) the structure and the dwelling unit at issue have been determined by the building official not to pose a hazard to life, health, or public safety, based on a minimum life safety inspection[.];~~

~~(5) for a short-term rental use regulated under Section 25-2-790 (Short-Term Rental (Type 3) Regulations), located in a commercial zoning district, no more than 25% of the total number of dwelling units at the property and no more than 25% of the total number of dwelling units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (Determination of Short-Term Rental Density); and~~

~~(a) the structure and the dwelling unit at issue have a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (Certificates of Compliance and Occupancy); or~~

~~(b) the structure and the dwelling unit at issue have been determined by the building official not to pose a hazard to life, health, or public safety, based on a minimum life safety inspection.~~

~~PART 9. Subsections (A) and (D) of City Code Section 25-2-793 (Determination of Short-Term Rental Density) is amended to read as follows:~~

~~§ 25-2-793 DETERMINATION OF SHORT TERM RENTAL DENSITY.~~

~~(A) The director shall determine on an annual basis the total number of single-family, detached residential structures within each census tract and use that number to calculate the maximum number of licenses for Type 2 short-term rentals that may be issued under Section [25-2-790] 25-2-791 ([Registration] License Requirements).~~

~~(D) For a short-term rental use regulated under Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), one short-term rental (Type 2) license per census tract may be permitted if no other property within the census tract is currently licensed as a short-term rental (Type 2 or Type 1 secondary dwelling unit or secondary apartment) use and the use complies with all other license requirements, even if approval of a single Type 2 license in the census tract would otherwise exceed the density cap under Subsection (A) or (B) of this section or fail to meet the standard of Section 25-2-791(C)(3).~~